

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**JOHN DOE AND JANE DOE,
AS THE NATURAL PARENTS
AND NEXT FRIENDS OF THEIR
MINOR CHILD, JAMES DOE**

Case No. 02:08 CV 575

Plaintiffs,

JUDGE GREGORY L. FROST

v.

Magistrate Judge NORAH MCCANN KING

**MOUNT VERNON CITY SCHOOL
DISTRICT BOARD OF EDUCATION,
et al.,**

Defendants.

**DEFENDANT JOHN FRESHWATER (IN HIS PERSONAL CAPACITY) RULE
56(f) MOTION FOR EXTENSION OF TIME TO FILE A MEMORANDUM IN
OPPOSITION TO PLAINTIFFS' MOTION FOR PARTIAL SUMMARY
JUDGMENT**

Now comes Defendant John Freshwater, by and through his Trial Counsel, R. Kelly Hamilton, who represents Defendant in his personal capacity, pursuant to Fed. R. Civ. P. 56(f), hereby requests this Court for an extension of time to file a Memorandum in Opposition to Plaintiffs' Motion for Partial Summary Judgment. In accordance with S.D. Ohio Civ. R. 7.2(d) and 7.3(a), the parties have conferred and Plaintiffs do not agree to this extension. Counsel R. Kelly Hamilton is aware of and agrees with the position of a similar motion filed by Defendant Freshwater's other Trial Counsel, Robert Stoffers, who represents Defendant Freshwater in his professional capacity.

Counsel R. Kelly Hamilton has a different and personal practical basis for the filing of the request for an extension in that Attorney Hamilton has been challenged for

time due to two separate and distinct family emergencies that have occurred immediately prior to and immediately after the filing of Plaintiffs' motion for summary judgment. In short, Attorney Hamilton has had to devote significant amounts of time and travel to those personal family emergencies. Plaintiffs' counsel has been advised of the nature of these sensitive matters in Attorney Hamilton's family.

WHEREFORE, Defendant John Freshwater respectfully requests this Court issue an order granting a 21 day extension until December 31, 2009 to respond to Plaintiffs' Motion for Partial Summary Judgment.

Respectfully submitted,

s/ R. Kelly Hamilton

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CERTIFICATE OF SERVICE

I hereby certify that on December 9, 2009, a copy of the foregoing was filed electronically. Notice of this filing will be sent to all registered parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

s/ R. Kelly Hamilton

The Law Office of R. Kelly Hamilton (0066403)